

# RULE

## Department of Health and Hospitals Office of Public Health

### Abortion Reporting (LAC 48:V.Chapter 123)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, hereby enacts the following rule, as mandated by Act 648 of the 1995 Regular Legislative Session relative to informed consent for abortion. This rule sets forth the distribution of the written materials required by the Act, as well as the deadlines for reporting.

#### **Title 48**

#### **PUBLIC HEALTH - GENERAL**

#### **Part V. Preventive Health Services**

#### **Subpart 45. Vital Records**

#### **Chapter 123. Documents Related to Abortion - Informed Consent**

#### **§12314. Documents Related to Informed Consent - Abortion; Distribution and Reporting Procedures**

##### **A. Distribution**

1. The printed materials which the department is required to publish pursuant to Act 648 of the 1995 Regular Legislative Session shall be made available at no cost, upon request, by any person, facility or hospital. Such materials shall include the pamphlet (entitled Abortion: Making A Decision) describing fetal development and the risks associated with different abortion methods, a directory of agencies which provide abortion alternative services and the certification form (PHS 16-IC) and accompanying instruction sheet.

2. The facility or hospital requesting the pamphlet, directory or certification form shall direct all requests, via mail or facsimile to the following: The Office of Public Health; 325 Loyola Avenue, Room 610, New Orleans, LA, 70112, (504) 568-5330; FAX: (504) 568-3786.

3. The following information shall be included in the request by a facility or hospital:

- a. name of the person, facility or hospital making the request;
- b. total number of pamphlets and directories requested;
- c. total number of certification forms requested.

4. An individual who is not representing a physician, facility or hospital may request the materials calling the Office of Public Health at the number listed in Paragraph 2 above. The materials will be mailed to the individual. Any identifying information shall remain confidential.

##### **B. Reporting**

1. A physician shall report the following information to the department within 15 days of the information and materials being provided:

- a. name and address of the facility where the required information was provided;
- b. information as required by R.S. 40:1299.35.10(A)(1) and (4) through (18) inclusive; and
- c. copy of the certification form required by Act 648, if executed by the woman.

2. A physician who performs an abortion shall report the following information to the department within 15 days of the abortion:

- a. all information as required by R.S. 40:1299.35.10;
- b. date upon which the required information and materials were provided; and
- c. executed copy of the certification form required by Act 648.

A physician who reports under Subsection B.2 need not comply with the reporting requirements of Subsection B.1 herein.

3. In addition to the aforementioned reporting requirements, a physician who performs abortions shall report to the department the total number of executed certification forms received monthly. The total number of certification forms received during the calendar month shall be reported within seven days following that calendar month.

4. The information required to be reported herein shall be reported to the department, the Office of Public Health at the following address: Director and State Registrar; Division of Records and Statistics; Office of Public Health; Box 60630; New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with Act 648 of the 1995 Regular Legislative Session, which amends and reenacts R.S. 40:1299.35.6.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, LR 22:25 (January 1996).

Bobby P. Jindal  
Secretary